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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Paper No. 32

Application Number: 08/885,597
Filing Date: June 30, 1997
Appellant(s): John TANG et al.

Mr. Waler Davis
For Appellant

EXAMINER'S ANSWER

This is in response to appellant's brief on appeal filed September 17, 2001.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

This appeal involves claims 1-32.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The Appellant's statement of the issues in the brief is substantially correct.

(7) Grouping of Claims

Appellant's brief includes a statement that claims 1-32 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

Baecker (pat. # 5,479,602)	12-26-1995
Johnson (pat. 5,880,729)	3-2-1999
Gudmundson (pat. 5,680,619)	10-21-1997

Legarde (pat. # 5,721,908)	2-24-1998
Computer Visualization by Gallagher	©1995
STN Express	©1996

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims as follows:

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 13, 29, 31, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baecker (pat. # 5,479,602) in view of Johnson (pat. 5,880,729).

Baecker discloses a computer readable medium for the storing of data and instructions (col. 4, lines 25 - 45). All software requires an information storing medium for storing instruction and other data.

Claims 1, 13, and 32 are rejected. The Appellant teaches, "a process for reflecting a state of a software container having objects." Further, the Appellant teaches, "detecting an event reflecting a change in the state of the container." The Appellant teaches, "animated sequence". Baecker discloses an animation sequences where the animation appears to be repeatedly scanning over a given number of document sections (col. 8, lines 49 - 57). This teaches the "animation sequence" that is used for "reflecting a state of the container" as taught by the Appellant.

Baecker discloses modifying the appearance of the animation icon when the corresponding file or folder representing the icon changes (col. 8, lines 58 - 67). Baecker discloses a process which generates new animation frames whenever the file or folder represents the icon changes (col. 8, lines 58 - 67). The containers taught by the Appellant are taught by Baecker as "animation frames."

Baecker fails to teach transitional visual effects, or animation for allowing users to view the transition of an object between two different static states of elements within the GUI. Johnson teaches using transitional visual effects, or animation for allowing users to view the transition of an object between two different static states of elements within the GUI (col. 2, lines 40 - 50). Johnson teaches the display of an animated icon on a screen when another element associated with the computer system changes (col. 2, lines 40 - 50) can be interpreted as detecting an event reflecting a change in the state of the container. This can be interpreted as cyclically display a "series of frames as an animated sequence which reflect a change in the state of the container." taught by the Appellant. Any process resulting from the activation of an icon can be interpreted as detecting an event reflecting a change in the state of the container, wherein the container is a separate page related to user discussion. Icons used for linking to a URL is a container containing a web page related to user discussion. It would have been obvious to one with ordinary skill in the art to determine based on the detected event whether an animated sequence does not reflect the state of the container. Doing so allows the user to detect whether a change has occurred to a computer file while the user passively observes without entering additional inputs. It is obvious to one with ordinary skill in the art to update the cyclical display

based on the determination. Doing so informs the user of changes while a the user passively observe the said changes.

Claim 29 is rejected. The window and icon (fig. 1) taught by Johnson are characteristic of a container. Johnson discloses the use of animation which represent the characteristics of an object which can also be a container or be related to a container while the object is undergoing a change of state (col. 4, lines 20 - 33). Johnson teaches use of icons and other graphical symbols and representations (fig. 1). It is obvious to one with ordinary skill in the art for the process of claim 1, wherein the frames include characteristics that are symbolic of objects of the container. Doing so provides both animated and static icons which are more easily recognizable by the user.

Claim 31 is rejected. Baecker discloses a computer readable medium in rejected claim 1. The rationale of claim 29 is incorporated into claim 30.

3. Claims 2 - 4, 10, 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baecker (pat. # 5,479,602) and Johnson (pat. 5,880,729) as applied to claims 1 and 13 above, and further in view of Gudmundson (pat. 5,680,619). Baecker discloses a computer readable medium for the storing of data and instructions (col. 4, lines 25 - 45).

Claim 2 is rejected. Baecker in view of Johnson fail to teach individual objects undergoing a change in state. Gudmundson discloses individual objects undergoing a change in state represented by fish in an aquarium expressing behavior (fig. 33; col. 64, lines 49 - 67). Gudmundson discloses objects represented by the use of animated fish icons which make behavior responses such as schooling like fish in a body of water when they come in near proximity of one another on the computer display (fig. 33; col. 64, lines 49 - 67; col 65, lines 1- 15). The

movement of the fish icons is technology for demonstrating the movement of objects within a larger environment. It would have been obvious to one with ordinary skill in the art to incorporate the methods of displaying graphical items as fish or other icons into Gudmundson and Baecker because doing so can reduce the need for the user to change position to view a screen or enter input when observing the progress of a software object. It is obvious to one with ordinary skill in the art to incorporate Gudmundson into the process of claim 1 taught by Baecker, wherein the cyclical display provides an intuitive representation of a degree of the change in the state of the container. Doing so allows the user to view and track changes while the user passively observe the display without the entering of additional inputs.

Claim 3 is rejected. Baecker in view of Johnson fail to teach individual objects undergoing a change in state. Gudmundson discloses representing similar objects by similar type of fish which school while representing less similar object by different types of fish which compete with one another (fig. 33; col. 64, lines 49 - 67). Gudmundson discloses a given number of fish representing the given number of objects (fig. 33; col. 64, lines 49 - 67). Each fish icon represents a given object. There is a limited number of objects being processed at any one time. It would have been obvious to one with ordinary skill in the art to incorporate the methods of displaying graphical items as fish or other icons into Baecker because doing so can reduce the need for the user to change position to view a screen or enter input when observing the progress of a software object. It would have been obvious to one with ordinary skill in the art to incorporate Gudmundson into the process of claim 1 taught by Baecker, wherein the cyclical display reflects

the numbers and types of objects. Doing so updates the user of types and number of active objects without requiring additional input.

Claim 4 is rejected. Baecker in view of Johnson fail to teach a cyclical display which embeds audio information in the generated frames. Gudmundson discloses a stay in tank behavior command which produces a bounce sound when a fish object collides with the given border (col. 65, lines 40 - 62). The stay in the tank behavior demonstrates confining objects to a limited area. This can be a type of containment. Confining icons to certain areas of the visual work space is often used in graphics software programs that use constraints. It is obvious to one with ordinary skill in the art to incorporate the methods of displaying graphical items as fish or other icons into Baecker in view of Johnson because doing so can reduce the need for the user to change position to view a screen or enter input when observing the progress of a software object. It would have been obvious to one with ordinary skill in the art to incorporate Gudmundson into the process of claim 1 taught by Baecker, wherein the cyclical display embeds audio information in the generated frames. Doing so signals information regarding object state without requiring the user to neither take time to view the computer screen nor enter input into an input device.

Claim 10 is rejected. The rationale for claim 10 is disclosed in claim 4.

Claim 14 is rejected. Baecker in view of Johnson in view of Gudmundson disclose the rationale for claim 14 in rejected claim 2.

Claim 16 is rejected. Gudmundson discloses embedding sound into animated frames in rejected claim 4. Baecker and Johnson disclose the cyclical display of animated frames in rejected claim 1. Baecker in view of Johnson in view of Gudmundson teach using a cyclical sound to be

embedded into a cyclical animation in rejected claim 4. It would have been obvious to one with ordinary skill in the art for the computer readable medium of claim 13 to further include instructions for embedding audio information in the cyclical display. Doing so informs the user that the computer is in a normal processing state without requiring that the user change positions to view some type of computer device. Sound enables the user to utilize the eyes for other tasks while alerting the user of changes in events.

4. Claims 5, 6, 9, 11, 12, 15, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baecker (pat. # 5,479,602) in view of Johnson (pat. 5,880,729) in view of Gudmundson (pat. 5,680,619) as applied to claims 2, 3, 7, and 13 above, and further in view of Gallagher. Baecker discloses a computer readable medium for the storing of computer readable data and instructions (col. 4, lines 25 - 45).

Claims 5 and 17 are rejected. Baecker in view of Johnson in view of Gudmundson fail to teach using the rate of change the rate that new frame are displayed during animation when determining the quality of animation required for a given procedure. The Appellant teaches providing instructions for "using one of color variations, tempo, motion, and change in size to reflect the number of objects in the container." Gallagher discloses using the rate of change the rate that new frames are displayed during animation when determining the quality of animation required for a given procedure (p. 220). Gallagher discloses color table animation where a palette is used for displaying color in an animated image (p. 222). Gallagher discloses color cycling for mapping a sequence of moving events onto a range of color indices (p. 223). Gallagher discloses color cycling being used for particle traces, especially fluid flow through a container (p. 223).

Gallagher discloses using a rate of change at a speed where colors appear to be moving (p. 223). Gallagher discloses uses color cycling at a speed where animation appears on the screen thus giving the user an illusion of motion on the screen (p. 223). Gudmundson discloses providing an object and view menu where color, sound, motion, and size data corresponding to an object represented by a fish can be modified (col. 21, lines 50 - 67). It is obvious to one with ordinary skill in the art to incorporate the methods of displaying graphical items as fish or other icons into Gallagher and Baecker because doing so can reduce the need for the user to change position to view a screen or enter input when observing the progress of a software object. Gudmundson demonstrates the Appellant by teaching at least color and motion. Gallagher teaches rate change. This rate of change teaches the representing, "the degree of the change in the state of the container." It would have been obvious to one with ordinary skill in the art to incorporate into the process of claim 2, wherein the cyclical display uses one of color variations, tempo, motion, and change in size to represent the degree of the change in the state of the container. Doing so signals information regarding object state while reducing the need for the user to change physical position for the entering of input and the viewing of an output display. The invention according to the Appellant requires on one of the following; color variation, tempo, motion, or change in size to represent degrees of change. This statement as taught by the Appellant is extremely broad.

Claims 6 and 18 are rejected. Gudmundson discloses displaying representing the number of objects in the form of some type of animal in rejected claim 3. Rejected claim 5 incorporates the rationale for using color variations, tempo, and changing motion and size. It is obvious to one with ordinary skill in the art to incorporate into the process of claim 3, wherein the cyclical display

uses color variations, tempo, motion, and change in size to reflect the number or type of the objects in the container. Doing so signals information regarding object state while reducing the need for the user to change physical position for the entering of input and the viewing of an output display.

Claim 9 is rejected. The rationale for claim 9 is disclosed in claim 6.

Claim 11 is rejected. The rationale for claim 11 is disclosed in claim 5.

Claim 12 is rejected. The rationale for claim 12 is disclosed in claim 6.

Claim 15 is rejected. Baecker discloses a computer medium with instructions for executing a program in rejected claim 1. The rationale for the rest of claim 15 is disclosed in claim 6.

5. Claims 7, 19 - 21, 25, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (pat. 5,880,729).

Claim 7 is rejected. The Appellant teaches "a memory which includes a software container and an animated indicator program including computer code for monitoring the software container to detect an event reflecting a change in a state of the container, for determining based on the detected event whether an animated sequence does not reflect the state of the container, and for generating a series of frames to reflect a state of the container based on the determination". Johnson discloses a RAM, ROM, and processor connected by a bus (fig. 4b, #300, #320, #340, #380). The icons taught by Johnson along with the windows enclosing them are considered "containers" (fig. 1). Activating or opening these graphical symbols is a requirement for accessing one of the various programs within. Johnson discloses using software

in memory to display the status by displaying an animation sequence corresponding to the find button; the find button can be considered a type of "container" as described by the Appellant (fig. 5; col. 3, lines 65 - 68; col. 4, lines 1 - 20). Johnson discloses displaying changes in the icon that correspond with state changes (fig. 6; col. 4, lines 34 - 50). Johnson discloses detecting the changing of software state through the use of active animation (fig. 6; col. 4, lines 34 - 50). User is alerted of the process of a selection implementation using animation. This process is considered the "change reflecting a change in a state of then container" as taught by the Appellant. Johnson discloses cyclically displaying an animated sequence in the form of a rotating button (fig. 5; col. 3, lines 65 - 68; col. 4, lines 1 - 20). Johnson discloses storing and executing programs such as a GUI in memory (fig. 4; col. 3, lines 44 - 64). Any windowing system is a GUI that must reside in memory. Johnson teaches the use of a software program which can be interpreted as requiring a processor configured to execute programs in memories (abstract). Johnson demonstrates the user of a processor (fig. 4b, #340). It would have been obvious to one with ordinary skill in the art to display on which a series of frames is cyclically displayed in an animated sequence. Doing so makes the passive user or other observer aware when the software is in a normal processing state.

Claims 19 and 25 are rejected. Johnson discloses detecting activity of a menu item (col. 4, lines 20 - 50). Further, Johnson teaches the use a menus, windows, and icons (fig. 1, col. 4, lines 34 - 50). Johnson discloses updating an animated sequence as to reflect the activity of the button (col. 4, lines 20 - 33). The find button is redrawn in a repeating fashion. This provides the "updating the animated sequence" as taught by the Appellant. It would have been obvious to one with ordinary skill in the art to detect activity of the closed container and to update the animated

sequence so as to reflect the activity of the closed container. Doing so provides a method for updating the user with information regarding the processes being executed by the computer.

Claim 20 is rejected. Johnson discloses displaying an animated sequence (fig. 5, #32 - #44; col. 4, lines 33 - 50). The Appellant claim no unique feature within this animation sequence.

Claim 21 is rejected. Johnson demonstrates placing of a cursor such as a mouse pointer on an closed menu which can be interpreted as a type of window (fig. 1). Johnson demonstrates placing a mouse cursor on an icon representing closed windows and other objects, the icon is replaced with corresponding information representing the software represented by the container (fig. 1). It would have been obvious to one with ordinary skill in the art to interrupt the display of the animated sequence when the corresponding software container is opened because stopping animation and removing of the corresponding icon is widely accepted method for reducing confusion for the user when an application, represented by an icon, is activated for user access.

Claim 30 is rejected. Johnson discloses a computer system in rejected claim 7. The rationale of claim 29 in incorporated into claim 30.

6. Claim 22-24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over STN Express ©1996 in view of Johnson (pat. 5,880,729) in view of Nguyen (pat. # 5,978,840).

Claim 22 is rejected. STN Express discloses the coupling of a PC with a mainframe containing a database. STN Express discloses an emulator for the PC which emulates actions of the mainframe allowing the user on the PC to view actions of the mainframe. STN Express discloses a status bar located on the bottom of the PC screen with the word online or offline depending whether the emulator is connected to the mainframe. STN Express discloses

displaying the word "online" in green when the mainframe awaits input from the PC user while displaying "online" in red when the user is instructed to await for output from the mainframe after input is entered. STN Express discloses displaying the word "online" in red to signal to the user when the request by the user is being processed. STN Express discloses the display of an emulation of a PC screen of data stored on a mainframe which can be interpreted as output retrieved from a database server to a user computer is a reflection of actions taking place on the said database server. STN Express teaches the use of an emulator which can be interpreted as a method where a first computer has acted upon a software container in a second computer.

STN Express fail to teach coupling a database on a different server computer with user computer equipped with a browser where the user requests information from the database server. Nguyen discloses coupling a database on a different server computer with user computer equipped with a browser where the user requests information from the database server (col. 12, lines 48 - 65). Nguyen teaches accessing data through a network (col. 12, lines 48 - 65). Nguyen teaches networking on the Internet (col. 12, lines 48 - 65). It is obvious to one with ordinary skill in the art to detect if a second computer system has acted upon the container. Doing so allows the user to access a graphical based program on a server computer from another computer using technology that is widely accepted in the art and is familiar to users with various levels of expertise.

Nguyen teaches providing animated icons on an Internet server wherein the user of a second computer system accessing the server can execute software stored on the server from the second computer system (col. 12, lines 48 - 65). Animated icons are widely accepted in the

operation of Internet software. It would have been obvious to one with ordinary skill in the art at the time of the invention to update an animated sequence to be displayed on the first computer system so as to reflect the actions of the second computer system. The presence of animation in a computer graphic requires the presences of an animation sequence. Doing so is a widely accepted method for allowing the user accessing a first computer from a second computer system for viewing a copy of the output from the first computer from the second computer.

Claim 23 is rejected. Claim 22 discloses networking a first and second computer together on the Internet. It is obvious to one with ordinary skill in the art to incorporate into the process according to claim 22, wherein the first computer system and the second computer system are connected to the Internet. Doing so is a widely accepted method which uses universal protocols for allowing a second computer to run software on a first computer.

Claim 24 is rejected. Johnson discloses using a rotating animated icon to represent the changing software states associated with the icons while using static icon representations to represent specific static states (col. 5, lines 20 - 63). It would have been obvious to one with ordinary skill in the art for the process according to claim 22, further comprising displaying the animated sequence as disclosed by Johnson on the first computer system which is assigned the task of being a server computer. Doing so provides a method for the computer user to observe animated sequences and other graphical processes used for the tracking of database retrieval and other program runs being executed by the server computer.

Claim 26 is rejected. The rationale disclosed in claim 22 is incorporated herein.

7. Claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baecker (pat. # 5,479,602) in view of STN Express ©1996 in view of Legarde (pat. # 5,721,908) in view of Johnson (pat. 5,880,729).

Claim 27 is rejected. Baecker teaches the use of a software program which requires a processor configured to execute programs in memory (abstract). Baecker discloses a computer system which includes a memory, a processor, and a data storage device (fig. 1, #101 - 103). Baecker discloses providing for the storing of instructions or code on a magnetic disk connected to memory by means of a bus (fig. 1, #100; col. 4, lines 30 - 34). Baecker discloses a display device (fig. 1, #104; col. 1, lines 35 - 40). Baecker teaches the use of a computer program which requires instructions to be read into memory before a processor can execute the instructions (abstract).

Baecker fails to teach a method for allowing one computer to reflect the actions of another. STN Express discloses a method for allowing one computer to reflect the actions of another computer in rejected claim 22. STN Express discloses providing a window, object, or software container for running a mainframe emulation while other programs are also executing on the same computer system. Baecker and Johnson disclose displaying animation in rejected claim 1. It is obvious to one with ordinary skill in the art to provide a display for the display the animated sequence. Doing so is the widely accepted method in the art for the display of moving images including animation.

Further, Legarde demonstrates the use of multiple web browser (fig. 11, #130). These browser demonstrate an example of software containers where each browser is accessing a

different program from the web. These browser makes obvious at the time of the invention a method for executing programs in memory using various animated sequence associated with the various programs because doing so provides a virtual environment for running each of software programs downloaded from a WAN such as the Internet. Each browser operates as a closed container.

Claim 28 is rejected. The rationale of claim 28 is disclosed in rejected claim 27. It is obvious to one with ordinary skill in the art to provide a memory in a first computer containing code for performing a process for reflecting activity of a network-based software container associated with the first computer system, including code for detecting if a second computer system has acted upon the container, and code for updating an animated sequence to be displayed on the first computer system so as to reflect the actions of the second computer system. Doing so allows a user to access a larger and more powerful computer system using only a portion of the resources provided by a different, smaller, and more accessible computer system.

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (pat. 5,880,729) as applied to claim 7 above, and further in view of Gallagher.

Claim 8 is rejected. Johnson discloses displaying a transition using animation to show the change of the state of a software container or button from a first state to a second state (col. 6, lines 60 - 70; col, 7, lines 1 - 25).

Johnson fails to teach varying degrees or time rates for observing animation sequences. Gallagher discloses varying degrees or time rates for observing animation sequences (p. 207, para. 2). It is obvious to one with ordinary skill in the art for the computer system of claim 7, wherein

the cyclical display provides an intuitive representation of a degree of the change in the state of the container. Doing so provides the user a method for observing changes corresponding to software programs being executed on a computer using technology that is understandable to users of various levels of expertise that is widely accepted in the art.

(11) Response to Argument

9. The Appellant Brief filed on 9-17-2001 have been considered by the Examiner. The Examiner after Appeal conference forwards his rejection of claims 1-32 to the Board of Appeals.

The Appellant responds to the rejection of claims 1, 13, 29, 31, and 32. The Appellant asserts that Baecker and Johnson fail to teach either determining based on the detected event whether an animated sequence does not reflect the state of the container or detecting an event reflecting a change in the state of the container, wherein the container is a web page related to user discussion. The Appellant asserts that the Examiner fails to provide proper motivation or suggestion for combining the reference teachings.

Responding to the rejection of claims 1, 13, 29, 31, and 32, the Appellant submits that the Baecker fail to teach or suggest determining based on the detected event whether an animated sequence does not reflect the state of the container. Further, the Appellant asserts that Johnson fails to disclose determining based on a detected event whether an animated sequence does not reflect the state of the container. The Examiner responds to the abovementioned assertion by stating that Johnson teaches the display of an animated icon on a screen when another element associated with the computer system changes (col. 2, lines 40 - 50). Such effects is detecting an event reflecting a change in the state of the container. The said icon is a type of container for

accessing corresponding software programs. This animation is a cyclically display a "series of frames as an animated sequence which reflect a change in the state of the container." taught by the Appellant. Any process resulting from the activation of an icon can be interpreted as detecting an event reflecting a change in the state of the container, wherein the container is a separate page related to user discussion. Icons used for linking to a URL is a container containing a web page related to user discussion. The Appellant submits that a reasons with obviousness for combining the references Baecker and Johnson was not provided. This statement is as follows: It would have been obvious to one with ordinary skill in the art to determine based on the detected event whether an animated sequence does not reflect the state of the container. Doing so allows the user to detect whether a change has occurred to a computer file while the user passively observes without entering additional inputs. It is obvious to one with ordinary skill in the art to update the cyclical display based on the determination. Doing so informs the user of changes while a the user passively observe the said changes.

The Appellant responds to the rejection of claims 2-4, 10, 14, and 16. Claims 2 and 14 depend on claims 1 and 13 respectively while claims 4, 10, 16 depend on claims 1, 7, and 13. The Applicant asserts that the rejection of claims 2-4, 10, 14, and 16 should be withdrawn based on the same reasoning as independent claims 1, 7, and 13. The Appellant provides no additional reasoning supporting the withdraw of the rejection of the said claims.

The Appellant responds to the rejection of claims 5-6, 11-12, 15, 17, and 18 under 35 U.S.C. 103(a). The Appellant asserts that the rejection by the Examiner should be reversed because Baecker, Johnson, Gudmundson, and Gallagher fail to teach or suggest that 1) the

cyclical display uses of one of color variations, and 2) the cyclical display uses one of color variations, tempo, motion, and change in size to reflect the number or type of objects in the container. The Appellant states that the Examiner fails to provide a proper statement of motivation. The Examiner asserts that the color table animation and the color cycling taught by Gallagher along with the time steps provides simulation that can be applied to the providing data associated with data stored in the computer system (pp. 222 - 224). Variations in output is a reflection of changes in the processing states. The cyclical state requires only one of the following: a color variation, tempo, motion, or change in size to reflect number of objects in the container.

The Appellant responds to the rejection of claims 7, 19-21, 25, and 30 under 35 U.S.C. 103. The Appellant asserts that Johnson fail to teach or suggest 1) determining based on the detected event whether an animated sequence does not reflect the state of the container, and 2) detecting activity of the closed container and updating an animated sequence so as to reflect activity of the closed container. The Appellant asserts that Johnson does not reflect a closed container. The Examiner asserts that the button taught by Johnson can be a type of container. The button taught by Johnson is more than a radial button. Any icon or window for accessing program is a container. Further, Johnson demonstrates icons that can be opened up to specific program items (fig. 1). The window containing the icons and the icons themselves are closed containers. The said window contains the various software programs. Johnson teaches additional rationale for rejecting claims 7, 19-21, 25, and 30 in rejected claim 1.

The Appellant responds to the rejection of claims 22 - 24 and 26 under 35 U.S.C. 103. The Appellant submit that STN Express and Nguyen fail to suggest or teach updating an animated sequence to be displayed on the computer system. The Examiner asserts that STN Express discloses the coupling of a PC with a mainframe containing a database. STN Express discloses an emulator for the PC which emulates actions of the mainframe allowing the user on the PC to view actions of the mainframe. STN Express discloses a status bar located on the bottom of the PC screen with the word online or offline depending whether the emulator is connected to the mainframe. STN Express discloses displaying the word "online" in green when the mainframe awaits input from the PC user while displaying "online" in red when the user is instructed to await for output from the mainframe after input is entered. STN Express discloses displaying the word "online" in red to signal to the user when the request by the user is being processed. STN Express discloses the display of an emulation of a PC screen of data stored on a mainframe which can be interpreted as output retrieved from a database server to a user computer is a reflection of actions taking place on the said database server. STN Express teaches the use of an emulator which can be interpreted as a method where a first computer has acted upon a software container in a second computer. The Examiner asserts that STN Express displays the scrolling that occurs on a mainframe terminal when new data is entered onto the display. The STN Express resides on a first computer system while actions of the said mainframe acting as the second computer system.

The Appellant responds to the 35 U.S.C. 103 rejection of claims 27 and 28.

The Appellant asserts the art of record fail to teach "using the rate of change the rate that new frame are displayed during when determining the quality of animation required for a given procedure". The Appellant asserts that the rejection should be withdrawn due to the same rationale as claims 22-24 and 26. The Examiner asserts the rationale taught by Baecker and STN Express. Further, the Examiner states that Legarde teaches the use of multiple web browser (fig. 11, #130). These browser demonstrate an example of software containers where each browser is accessing a different program from the web. These browser makes obvious at the time of the invention a method for executing programs in memory using various animated sequence associated with the various programs because doing so provides a virtual environment for running each of software programs downloaded from a WAN such as the Internet. Each browser operates as a closed container. Legarde can be used to provide a second example of a first computer and a second computer wherein the said first computer provides a display of the animation from the said second computer.

The Appellant responds to the 35 U.S.C. 103 rejection of claim 8. The Examiner stands behind the same rationale for the rejection of claims 2 and 5 for rejecting claim 8.

For at least the above reasons, it is believed that the rejection of claims 1-32 should be sustained.

Respectfully Submitted,

Thomas Joseph

October 24, 2001

An Appeal Conference was held. The said conference was attended by the following three Examiners from Art Unit 2173.

Thomas Joseph, Examiner in Charge

RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173

Ray Bayerl, Primary Examiner

BA HUYNH
PRIMARY EXAMINER

Ba Huynh, Primary Examiner